

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06mj235**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>WILLIAM RICHARD MAXWELL.</b>	)	
_____	)	

**THIS MATTER** is before the court upon defendant's Motion for Return of Seized Property (#9). On July 11, 2006, the district court disposed on defendant's identical motion in 1:05cr202, making the issue before this court moot. A motion for return of seized property filed pursuant to Rule 41(g), Federal Rules of Criminal Procedure, survives dismissal of the indictment and thus the defendant filed his motion in the appropriate file.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion for return of Seized Property is **DENIED** without prejudice as moot.

Signed: July 11, 2006



Dennis L. Howell  
United States Magistrate Judge

